

### **DETAILED ACTION**

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/20/10 has been entered.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark Williams on November 17, 2010.

The specification has been amended as follows.

This listing of claims replace all prior versions, and listing, of claims in the application.

Please amend the claims as follows:

1. (canceled)

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2. (canceled)

3. (canceled)

4. (canceled)

5. (canceled)

6. (canceled)

7. (canceled)

8. (canceled)

9. (canceled)

10. (canceled)

11. (currently amended) A method for delivering an audio data file, comprising:

receiving an audio data file into a local audio player unit, wherein:

a first alphanumeric identifier identifies the local audio player unit,

and

a second alphanumeric identifier is appended to the audio data file and identifies an audio player unit;

comparing the first alphanumeric identifier with the second alphanumeric identifier to determine whether they match;

if the first alphanumeric identifier does match the second alphanumeric identifier, the method further comprises:

producing an audio output from the audio data file,

else

if the first alphanumeric identifier does not match the second alphanumeric identifier, the method further comprises:

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retrieving an advertising message file previously copied to a storage device of the local audio player unit and producing an advertising message audio output from the advertising message file, and  
producing an audio output from the audio data file.

12. (previously presented) The method of claim 11, wherein the first alphanumeric identifier is retrieved from a non-volatile memory of the local audio player unit.

13. (canceled) ~~The method of claim 11, wherein the step of retrieving an advertising message file comprises retrieving an advertising message file from a storage device of the local audio player unit.~~

14. (previously presented) The method of claim 11, wherein the step of retrieving an advertising message file comprises retrieving an advertising message file from a non-volatile memory of the local audio player unit.

15. (previously presented) The method of claim 11, wherein the advertising message file contains one or more messages.

16. (canceled)

17. (canceled)

18. (canceled)

19. (canceled)

20. (canceled)

21. (previously presented) The method of claim 11, wherein the audio data file and the advertising message file are in a concatenated state.

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22. (previously presented) The method of claim 11, wherein if the advertising message file cannot be retrieved, then the step of producing an audio output is not carried out.

23. (previously presented) An audio player unit for delivering audio data files, comprising:

- a processor;

- a non-volatile memory communicatively coupled to the processor;

- a first alphanumeric identifier stored in the non-volatile memory, wherein the first alphanumeric identifier uniquely identifies the audio player unit;

- a communications port communicatively coupled to the processor and capable of communicatively coupling the audio player unit to a computer system;

- a data storage drive communicatively coupled to the processor and capable of transferring data between the audio player unit and a data storage medium;

- a first application program residing in the audio player unit and accessible by the processor, the application program comprising one or more sequences of instructions for uniquely marking an audio data file, the one or more sequences of instructions causing the processor to perform a number of acts, said acts comprising:

- receiving an audio data file,

- retrieving the first alphanumeric identifier from the non-volatile memory,

- appending the first alphanumeric identifier to the audio data file,
- and

- storing the appended audio data file in a data storage medium; and

- a second application program residing in the audio player unit and accessible by the processor, the application program comprising one or more sequences of instructions for delivering an audio data file, the one or more sequences of instructions causing the processor to perform a number of acts,

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said acts comprising:

- receiving an audio data file with a second alphanumeric identifier,
- comparing the second alphanumeric identifier to the first alphanumeric identifier to determine whether they match,
- if the second alphanumeric identifier does match the first alphanumeric identifier, then the acts further comprise producing an audio output from the audio data file,
- else

- if the second alphanumeric identifier does not match the first alphanumeric identifier, then the acts further comprise retrieving an advertising message file from the non-volatile memory and producing an advertising message audio output from the advertising message file, and producing an audio output from the audio data file.

24. (previously presented) An audio player unit for delivering audio data media files, comprising:

- a first logic circuit configured to perform a number of acts, said acts comprising:

- receiving an audio data file,
- retrieving a first alphanumeric identifier that uniquely identifies the audio player unit,
- appending a representation of the first alphanumeric identifier to the audio data file, and

- storing the appended audio data file in a data storage medium;
- a second logic circuit configured to perform a number of acts, said acts comprising:

- receiving an audio data file with a second alphanumeric identifier,
- comparing the second alphanumeric identifier to the first alphanumeric identifier to determine whether the second alphanumeric identifier is a representation of the first alphanumeric identifier,

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if the second alphanumeric identifier is a representation of the first alphanumeric identifier, then the acts further comprise producing an audio output from the audio data file, else

if the second alphanumeric identifier is not a representation of the first alphanumeric identifier, then the acts further comprise retrieving an advertising message file from the non-volatile memory and producing an advertising message audio output from the advertising message file, and producing an audio output from the audio data file;

a non-volatile memory communicatively coupled to the logic circuits for storing the first alphanumeric identifier;

a communications port communicatively coupled to the logic circuits and capable of communicatively coupling the audio player unit to a computer system; and

a data storage drive communicatively coupled to the logic circuits and capable of transferring data between the audio player unit and a data storage medium.

25. (previously presented) The method of claim 11, wherein the alphanumeric identifier comprises a derivative of an electronic serial number of the audio player unit.

26. (previously presented) The method of claim 11, further comprising receiving an audio data identifier that uniquely identifies the audio data file.

27. (previously presented) The method of claim 26, wherein the audio data identifier is derived from an industry standard number encoded on the audio data file.

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

Claims 11-12, 14-15, 21-27 are allowed.

The prior art of record fails to teach or fairly suggest that comparing the first alphanumeric identifier with the second alphanumeric identifier to determine whether they match, if the first alphanumeric identifier does match the second alphanumeric identifier, the method further comprises: producing an audio output from the audio data file, else if the first alphanumeric identifier does not match the second alphanumeric identifier, the method further comprises: retrieving an advertising message file previously copied to a storage device of the local audio player unit and producing an advertising message audio output from the advertising message file, together with all limitations recited in claim 11 and similarly to claims 23 and 24.

Thus, prior art of record neither render obvious nor anticipated the claimed invention in light of the specification.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

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The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE LE whose telephone number is (571)272-4111. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DEBBIE LE/  
Primary Examiner, Art Unit 2168  
November 18, 2010